



COUNTY of ROCKINGHAM

Department of Community Development

William L. Vaughn
Director

PLANNING COMMISSION AGENDA

Tuesday, April 3, 2012
Rockingham County Administration Center

PUBLIC HEARING

6:30 p.m.
Board of Supervisors Room

- I. Call to Order
- II. Pledge of Allegiance and Invocation: James Shiflet
- III. Approval of Minutes from March 6, 2012
- IV. Resolution: William G. O'Brien
- V. Addition to Western Rockingham Agricultural Forestal District

To add a 37.08-acre parcel, 91-(A)-49A, owned by Paul Bauman and Sarah M. Horst, to the Western Rockingham Agricultural and Forestal District. The parcel is located on the north side of Horeb Church Road (Route 732) approximately 0.2 mile east of Clover Hill Road (Route 613).

- VI. Rezonings

REZ-053, Cave Hill Farm LLC, JL Hopkins, P.O. Box 27 McGaheysville, VA to rezone 67.70 acres, of a 153.33-acre parcel, from R2-C (Medium-Density Residential with Conditions) to R2-C (Medium-Density Residential with Modified Conditions) on tax parcel 142-(A)-L116. The site is located on the east side of Island Ford Road (Rt. 649) approximately 0.9 mile south of Spotswood Trail (Rt. 33), in Election District #5. The McGaheysville Area Plan designates this area as Community Industrial Center and Village Core Near-Term Expansion. The applicant has submitted proffers limiting the proposed development to a maximum of 135 dwelling units, in any combination of two-unit attached and single family detached units. Four lots, located along the northwest property line, are for single family detached units only.

REZ-010, Aspen Heights, LLC, 1301 S. Capital of Texas Hwy, Suite B-201, Austin, TX 78746, to rezone from B-1C (General Business District with Conditions) and R-3C (General Residential with Conditions) to R-5C (Planned Residential District with Conditions), a 23.1-acre parcel, 125-(A)-L3, located on the west side of Port Republic Road (Route 253), approximately 0.25 mile north of Stone Spring Road (Route 726) in Election District 4. The Comprehensive Plan designates this area as Community Residential.

VII. Ordinance Amendments

OA12-028, Amendment to Chapter 17 (Zoning Ordinance), Article VII, Division 2, Section 17-117(d) to allow an increase in density for condominium and multifamily dwelling developments by special use permit by the Board of Supervisors for any development in excess of eighteen (18) dwelling units per acre and to allow by special use permit a increase in the 200' maximum length of any multifamily or condominium. As a part of the special use permit, a development plan shall be required and shall become a condition of the special use permit.

OA12-037(a), Amendment to Chapter 17 (Zoning Ordinance), Article VI, Division 12, Section 17-86 through Section 17-89 to change the definition of the Manufactured Home District (MH-1) to Mixed Home District (MH-1) and to change the wording throughout the text from manufactured home subdivisions to mixed home subdivisions.

OA-12-037(b), Amendment to Chapter 17 (Zoning Ordinance), Article VII, Division 6, Section 17-138 through Section 17-144 to change the requirements for the manufactured home subdivisions, which allow manufactured homes and on-frame modular homes, to mixed home subdivisions, which would allow manufactured homes, modular homes, or stick-built homes.

OA12-052, Amendment to Chapter 17 (Zoning Ordinance), Division III, Section 17-6 to add to the definition of family: "or in a dwelling unit occupied by students who are enrolled at a university or other post-secondary institution of learning, as many as five (5) unrelated individuals."

VIII. Unfinished Business

Farm First Enterprise Program – Tabled – Needs action by May 1, 2012.

IX. Miscellaneous

X. Set Next Site Visit Date

XI. Staff Report Overview

XII. Adjournment

PLANNING COMMISSION PUBLIC HEARINGS
RULES OF PROCEDURE

1. Review the public hearing process and guidelines with the public at the beginning of each public hearing.
2. Unless varied by the Chairman, the order of presentation at public hearings shall be as follows:
 - A. Staff's report
 - B. Applicant's presentation
 - C. Comments or presentations from members of the public. Those in support of the matter will speak first; those with questions or concerns will speak next; those opposed will close the public comment period.
 - D. Questions from members of the Commission
3. The presentation by the applicant shall be limited to 15 minutes. Additional time may be granted at the discretion of the Chairman, if requested in advance of the hearing to the Director of Planning.
4. A sign-up sheet will be placed at the speaker's podium for each speaker to PRINT his/her name.
5. Speakers are encouraged to make their presentations in a brief and pertinent manner and not repeat remarks of other speakers. All comments shall be directed to the members of the Planning Commission, not the audience. Anyone who wants his speech verbatim in the official record must give a copy to the secretary.
6. When a large group is anticipated, a speaker's sign-up sheet will be located outside the hearing room. Individuals who do not sign up, but decide during the hearing they wish to speak, will be recognized at the discretion of the Chairman.
7. Following discussion of all matters considered in the public hearing, the members will consider one of three actions regarding each matter:
 - Recommendation to the Board for approval, denial, or modification. (The Board will hold another public hearing and make the final decision.)
 - Table for further review.
 - Continue public hearing to another date.
8. Once the public comment period has been closed, no further public input will be permitted, unless clarification is requested by a Commission member. The response shall address only those questions raised by the member.

PLANNING COMMISSION MINUTES

March 6, 2012

The Rockingham County Planning Commission met on Tuesday, March 6, 2012, in the Board of Supervisors Room in the Rockingham County Administration Center. Members present were Chairman Jon Ritenour, Vice Chairman Chris Runion, Brent Trumbo, and James Shiflet. Staff members present were Director of Planning, Rhonda H. Cooper; Planner, Christopher Andrews; and Zoning Administrator, Diana Stultz (also Acting Secretary)

Chairman Ritenour called the meeting to order at 6:30 p.m.

Mr. Trumbo offered the Pledge of Allegiance and Invocation.

MINUTES

On motion by Mr. Runion for approval, and seconded by Mr. Shiflet, the February 7, 2012, minutes were approved on a 4-0 vote.

REZONINGS

REZ-279 Junior Hensley, 725 Bloomer Springs Rd., McGaheysville, VA 22840, to rezone from R-1 (Low Density Residential) to A-2 (General Agricultural District) a 0.744-acre portion of a 175.255-acre parcel, 128-(A)-L11, located on the east side of McGahey Road (Route 647), approximately 2 miles north of Spotswood Trail (US Route 33) in Election District 5. The McGaheysville Area Plan designates this area as Agricultural Reserve.

Mr. Andrews presented the rezoning request.

The Commission opened the public hearing at 6:36 p.m.

There being no one to speak in favor of or in opposition to the request, the Commission closed the public hearing at 6:37 p.m.

Mr. Andrews gave staff's recommendation for approval, stating that rezoning this portion of land from R-1 (Low Density Residential) to A-2 (General Agricultural) is compatible with the surrounding land uses.

On motion by Mr. Runion to recommend approval, and seconded by Mr. Trumbo, the motion carried on a 4-0 vote.

REZ-002 The Duchess, LLC, 615 Rodeo Drive, Harrisonburg, VA 22802, to rezone from A-1 (Prime Agricultural) to B-1 (General Business) 2.173 acres, located on the south side of Spotswood Trail (US Route 33), directly west of Rockingham Pike (VA Route 981) in Election District 5. The Comprehensive Plan designates this area as Agricultural Reserve. The applicant has not submitted proffers with their application.

Mr. Andrews presented the rezoning request.

The Commission opened the public hearing at 6:44 p.m.

The applicant, Mike Delaney, was present to speak on this request. Mr. Delaney stated that they do not have a user in mind at this time. He stated they just want to get the property rezoned to be able to better market the property. He stated they are aware that they will have to meet VDOT requirements and that they will be getting the utilities from the Town of Elkton.

Chairman Ritenour asked if there was anyone present with questions or comments.

Glendon Hensley stated that he had some questions and some comments. He stated that he has been a member of the Upper Room Church, which is across the street, for 30 years, and he would like a better understanding of some of the issues. Mr. Hensley stated that, since the schools were constructed on Rockingham Pike, there is a large increase in traffic both in the morning and in the afternoon. He wondered what VDOT would be requiring on Rockingham Pike as well as Spotswood Trail. He wondered if those improvements would be enough with the amount of increased traffic.

Ms. Cooper explained that VDOT stated that a 200' right-turn lane and 200' taper would be required on Rockingham Pike for Rt. 33 eastbound traffic. Additionally, VDOT is requiring a 200' storage and 200' taper for westbound traffic on Spotswood Trail.

Mr. Hensley also stated that he wondered if there would be enough room for any type of business there once the setbacks from the road are met along with meeting the increased VDOT requirements. He stated that he is concerned with a B-1 rezoning with no proffers so that people have no idea what could be going in on the property. He said that the church would be opposed to any type of convenience store going onto the property that might be selling alcohol.

There being no one else to speak on this matter, the Commission closed the public hearing at 6:54 p.m.

Mr. Andrews gave the staff recommendation for approval, stating:

The site is compatible with adjacent industrial and business uses and the intent of the Comprehensive Plan. The Plan states that growth should be concentrated mainly in areas served by public water and sewer, including areas in and around the incorporated towns and adjacent to major road corridors.

The proposed B-1 zoning appears to complement the existing and emerging land use patterns and coordinates development with the adjoining Town of Elkton.

While the School Administration's report cites some of the same traffic concerns as VDOT and those brought up during the hearing, VDOT states the requirements are expected to mitigate anticipated degradation to the intersection's operation.

Stating that when this goes to site plan review, the VDOT issues will be addressed; and that this rezoning fits the Comprehensive Plan, Mr. Shiflet made a motion to recommend approval. The motion, seconded by Mr. Trumbo, carried on a 4-0 vote.

REZ-006 Joe and Co McMichael, PO Box 246, Broadway, VA 22815, to rezone from A-2 (General Agricultural District) to RR-1C (Residential or Recreational District with Conditions) a total of 93.7 acres, to include parcels 51-(A)-L1, 51-(A)-L1B, 51-(A)-L1B1, 51-(A)-L1C, and portions of parcels 39-(A)-L79 and 39-(A)-79A, located on the south side of Brocks Gap Road (VA Route 259) and approximately 0.1 miles East of Hisers Lane (VA Route 752) in Election District 1. The Comprehensive Plan designates this area as Agricultural Reserve.

Mr. Andrews presented the rezoning request.

The Commission opened the public hearing at 7:06 p.m.

Ed Blackwell, of Blackwell Engineering, representing the owners, stated that the owners were aware they would have to meet the VDOT requirements. He stated that they had gone to the Town of Broadway about water and sewer, but that the Town wants to reserve its capacity for the town and future annexation areas.

Mr. Blackwell stated that people have expressed concern about 25 wells drawing from the aquifer. The amount of water used for a residence is very small compared to some agricultural uses that could be on the property. He stated that the property is steep and rocky. With regard to septic, many of the lots will have to have engineered systems. These systems will have to have annual inspections.

With regard to the roads in the proposed subdivision, Mr. Blackwell stated he has met with the Assistant Fire Marshal, and the applicants understand that they will have to meet the County requirements regarding these roads. He stated that they understand they will have to put in a dry hydrant for fire protection as required by Fire & Rescue.

Mr. Blackwell again stated that the land is steep and rocky. He said it is marginal for pasture and for poultry farming. He stated that it would be difficult to utilize the land under the current zoning.

Mr. Trumbo asked Mr. Blackwell who would be responsible for the enforcement of the inspections of the engineered systems. Mr. Blackwell stated that the owner gets a letter from the Health Department. The owner takes the letter to an engineer who makes the inspection and sends a report to the Health Department.

Mr. Shiflet asked Mr. Blackwell if he had stated that these engineered systems will have a drain field. Mr. Blackwell explained that each treatment plant must have a discharge system. There are several types of discharge systems but they would probably go either with the drain fields or drip irrigation. Mr. Runion questioned if there were problems with the drip irrigation during the winter, and Mr. Blackwell stated that there is a required depth for burying the drip lines so that there would not be problems.

Joe McMichael, one of the owners of the property, also spoke regarding the request. Mr. McMichael stated that his family has lived there for about 22 years. He stated that he had a soil scientist look at the property and that 14 engineered systems have been approved, each with the required reserve areas and that there are a couple of lots which will use traditional septic systems. He stated that the land is wooded, rocky and not good for farming. Mr. McMichael stated that he has sold a couple of lots over the years.

Mr. McMichael stated that they have a road maintenance agreement. He said that other neighbors, who are not a part of this request, also use the road, and they are a part of the road maintenance agreement. He said this area is very scenic and appealing. The homes would be very high quality and upper-scale. People living here would have the conveniences that Broadway has to offer but still be in a rural setting.

There were no other people to speak in favor of the request.

Speaking in opposition, Jay Fulk stated that he owns farms just to the east and south of this property. He said that he owns 140 acres and rents an additional 70 acres. Mr. Fulk said there are five springs on his farm. These springs used to run year-round, but now only one does so. The other four dry up during the year which makes him very concerned about the water and 25 wells being added. Mr. Fulk stated he does not know much about the type of septic systems they are talking about so he does not know if they would create problems or not. However, he does not think any of this would be an asset to water quality.

Mr. Fulk stated that the road has had some erosion. One of the proposed roads would be right against his property line. He stated that he spreads manure in his fields and that he has cows that calve in those fields. The traffic in and out of those roads would present a problem. He added that the property in the request has been farmed, and all of the property around it is farmed.

Mr. Trumbo asked Mr. Fulk if he has wells; and if so, what is the depth and gallons per minute. Mr. Fulk stated he has two wells. One is about 300' deep and pumps 20 to 30 gallons per day. The other one is much less. Mr. Trumbo asked the age of the wells. Mr. Fulk stated that the one that is 300' deep is about 10 years old, and the other one is about 30 years old. Mr. Trumbo asked if they had lost strength, and Mr. Fulk said the wells had not; just the springs.

James David Neff stated that he owns 18 acres adjoining this property. He stated that his well is within 30 yards of one property line and that there is a steep slope coming down toward him. He is concerned about the septic due to that slope. If his well becomes contaminated, he wanted to know who would be responsible. He is concerned with what will happen if these septic systems malfunction.

Gerald Crider stated that he owns the most land next to the McMichael property. He stated he is not totally against some lots, but does not want as many as they are proposing. Mr. Crider stated he is concerned about the water situation. He said that they also spread a lot of manure on property right next to the property in this request, and he also has cattle that calve on his property. He stated that cattle with calves are very protective. He is concerned about someone coming onto this property and getting injured.

Michael Driver stated that he and his wife are adjoining landowners and that they purchased their first property in 1982. He stated that they also have springs on their property. He stated that he had put in a pond that was spring-fed; and for many years, he could raise trout in that pond year-round. Now there is so little water from the spring that his pond dries up during the summer.

Mr. Driver stated that almost 1,000' of the road would border his property. With the number of proposed lots, the traffic would be excessive. He is concerned with the dust from the roads. He also questioned who would enforce the covenants.

Mr. Trumbo asked Mr. Driver if he used the road, and Mr. Driver stated they share the same entrance.

Brian Jenkins stated that he is not an adjoining landowner but that he owns property within 500 yards of the subject property. He stated that his property is downhill on the eastern side. He stated that he is concerned about the water aquifer and the septic. He added that he is worried about the number of engineered systems and how they will enforce having them inspected. Mr. Jenkins stated he is not opposed to a little development, but this is a subdivision.

Stephen Weatherholtz did not speak in favor or in opposition but stated that he owns property there and will be a part of the subdivision.

In response to things that had been brought up, Mr. Blackwell stated that the Health Department has setback regulations between wells and septic. He stated they will have to meet those setbacks from the wells on adjoining properties. He stated that the septic on the lot joining Mr. Neff will be at least 300' from Mr. Neff's well. He also stated that the applicants had proffered that the Property Owners Association will enforce the inspections of the alternative septic systems.

There being no one else to speak on this request, the Commission closed the public hearing at 7:56 p.m.

Mr. Andrews gave the recommendation for denial, stating:

This site lies in the Agricultural Reserve area according to the Comprehensive Plan and outside of an Urban Growth Area where public water and sewer are not available.

This rezoning, which would accelerate the residential development of rural areas, is not consistent with the County's Comprehensive Plan.

Mr. Trumbo stated that hearing the comments people made tonight, this is clearly not agricultural property. However, his biggest issue is that this would create isolated subdivision development and, because of that, he made a motion to recommend denial. Mr. Runion seconded the motion stating that this is beyond Broadway's growth area and does not meet the County goal that says 80% of the growth should be on public water and sewer. The motion to recommend denial carried with a 4 - 0 vote.

UNFINISHED BUSINESS

Mr. Runion made a motion to remove the Farm First Enterprise Ordinance from the table for discussion. Mr. Shiflet seconded the motion which carried with a 4-0 vote.

Mr. Runion stated that he still has concerns regarding the insurance requirement and that he is still trying to grasp what is left to be regulated under this ordinance. He stated that 90% of the things that were originally in the ordinance had been taken out and would either be permitted by right or would require a special use permit. Of the 10% that is left, he wonders if it needs to be regulated in this fashion or regulated at all. He also said he has some questions about requiring either the restroom trailers or septic systems for the activities that are for more than two months.

Mr. Runion stated that the Farm Bureau Association has not met since the work session and that he thinks the members need an opportunity to review and comment on the proposed ordinance before the Commission takes any action on it.

Mr. Trumbo asked if waiting longer on this will impact people who want to do something this year. Ms. Stultz explained that the produce stands selling their own produce and the pick-your-own, such as the pumpkin patches and sweet corn would be allowed to operate. Other than that, she has had no one come in asking about anything that would fall under this ordinance.

Mr. Shiflet stated that, for him, a lot had been clarified as a result of the last work session, but he believes there are still unanswered questions.

Being given permission to speak, Bob Threewitts stated that this ordinance is hard for him to understand. He does not know how he can explain it to the Farm Bureau Association in a way that they will understand.

Mr. Ritenour stated he would like to see crops addressed in some way and that he shares the concerns Mr. Threewitts has.

Mr. Runion stated he would like to have another work session and make sure that all the stakeholders are invited. He made a motion, seconded by Mr. Shiflet, to hold another work session to be held in the evening so stakeholders could attend. The motion carried with a 4-0 vote. Staff will look at available dates.

MISCELLANEOUS

The Commission had no miscellaneous items.

STAFF REPORT OVERVIEW

Ms. Cooper gave an overview of the following major projects:

- **MPO South Regional Corridor Study**- The consultant has submitted a final draft of the study that the MPO Technical Advisory Committee discussed on March 1. Those comments have been forward to the consultants and will be presented to the Policy Board on March 15. The Policy Board will have a review period for these comments.
- **North Valley Pike Corridor Strategic Plan (NVP Plan)**- Remains tabled by the Board of Supervisors
- **Bicycle Advisory Committee**- The next meeting is March 15 at 6:00 p.m.
- **Zoning Ordinance Revision and Rewrite** – Planning Commission will meet on March 12, March 19, and March 26 for work sessions.

ADJOURNMENT

Having no further business, the Commission adjourned at 8:36 p.m.

Jon Ritenour, Chairman

Diana C. Stultz, Acting Secretary

**Rockingham County
Agricultural and Forestal District**

Name of Agricultural & Forestal District: Western Rockingham AFD

Sarah M. Horst

Dayton VA 22821

Total Acreage: 37.08

Landowner Name(s)	Tax Map Number	Address

2-7-12
Date

2-7-12
Date

Date 2/7/12



Community Development Agricultural-Forestal District Addition

Planning Commission
April 3, 2012

Board of Supervisors
April 25, 2012

Request of Paul B and Sarah M. Horst
To Add 37.08 Acres
To Western Rockingham Agricultural and Forestal District

LOCATION

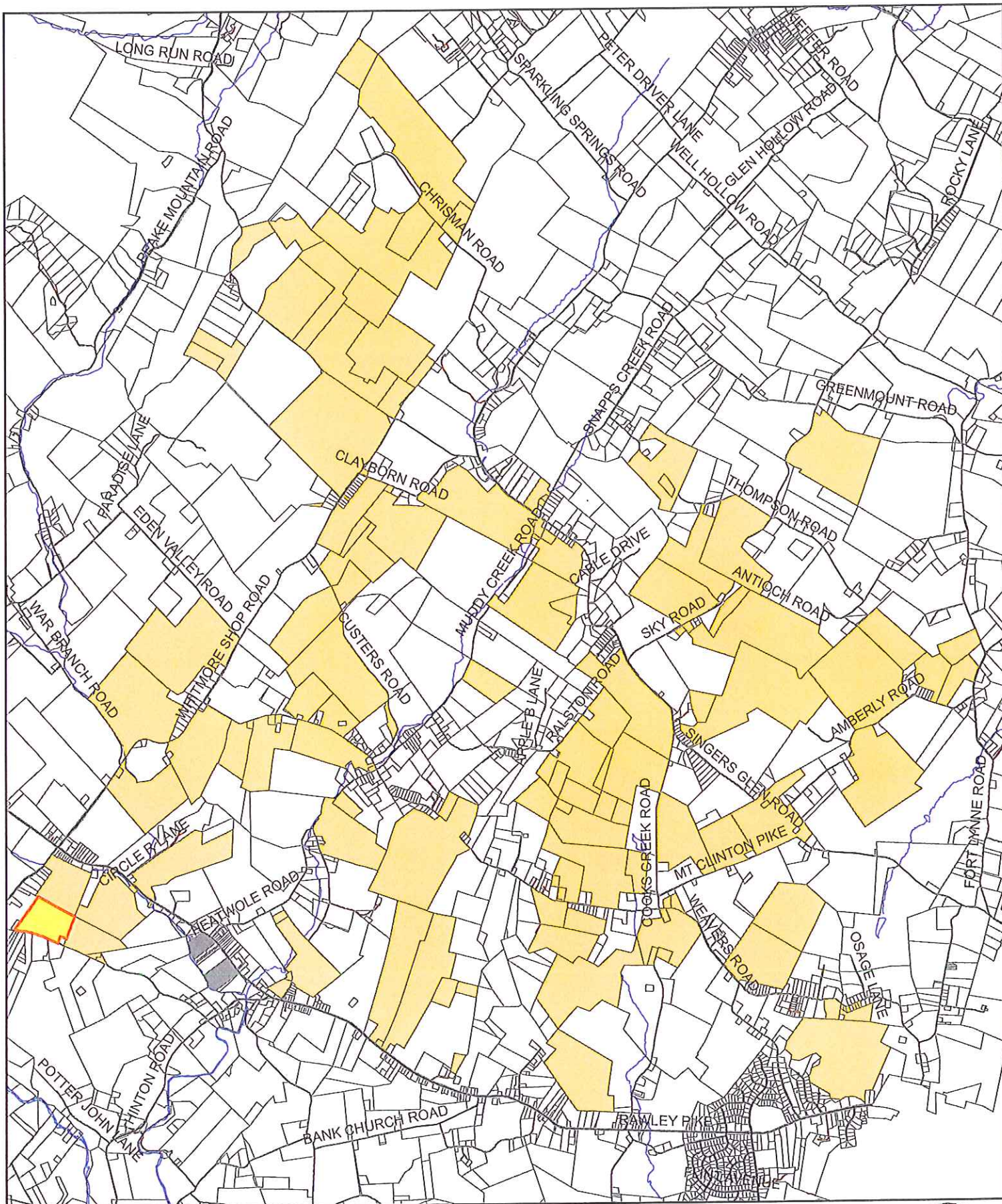
The addition consists of 37.08 acres located north of Horeb Church Road (Route 732) and approximately 0.2 mile east of Clover Hill Road (Route 613). Western Rockingham Agricultural and Forestal District is in effect until March 29, 2021, at which time the AFD is eligible for renewal.

APPLICANTS' REQUEST








Paul B and Sarah M. Horst want to add parcel 91-(A)-L49A. The applicants plan to transfer a number of acres from an adjoining parcel, which is already dedicated part of the Western Rockingham AFD. In order for this transfer to occur, parcel 91-(A)-L49A must be in the AFD. The conditions of the Western Rockingham AFD require a parcel to be entirely within the district, not just a portion of a parcel.

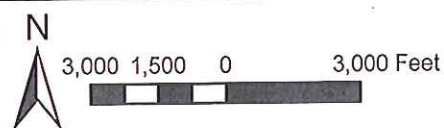
AFD ADVISORY COMMITTEE RECOMMENDATION: Approval March 7, 2012
The Agricultural and Forestal District Advisory Committee convened on March 7, 2012 to evaluate this request. The committee unanimously recommended adding this parcel to the Western Rockingham AFD.

PLANNING COMMISSION RECOMMENDATION: _____, April 3, 2012
On a _____ vote, the Commission recommended _____.



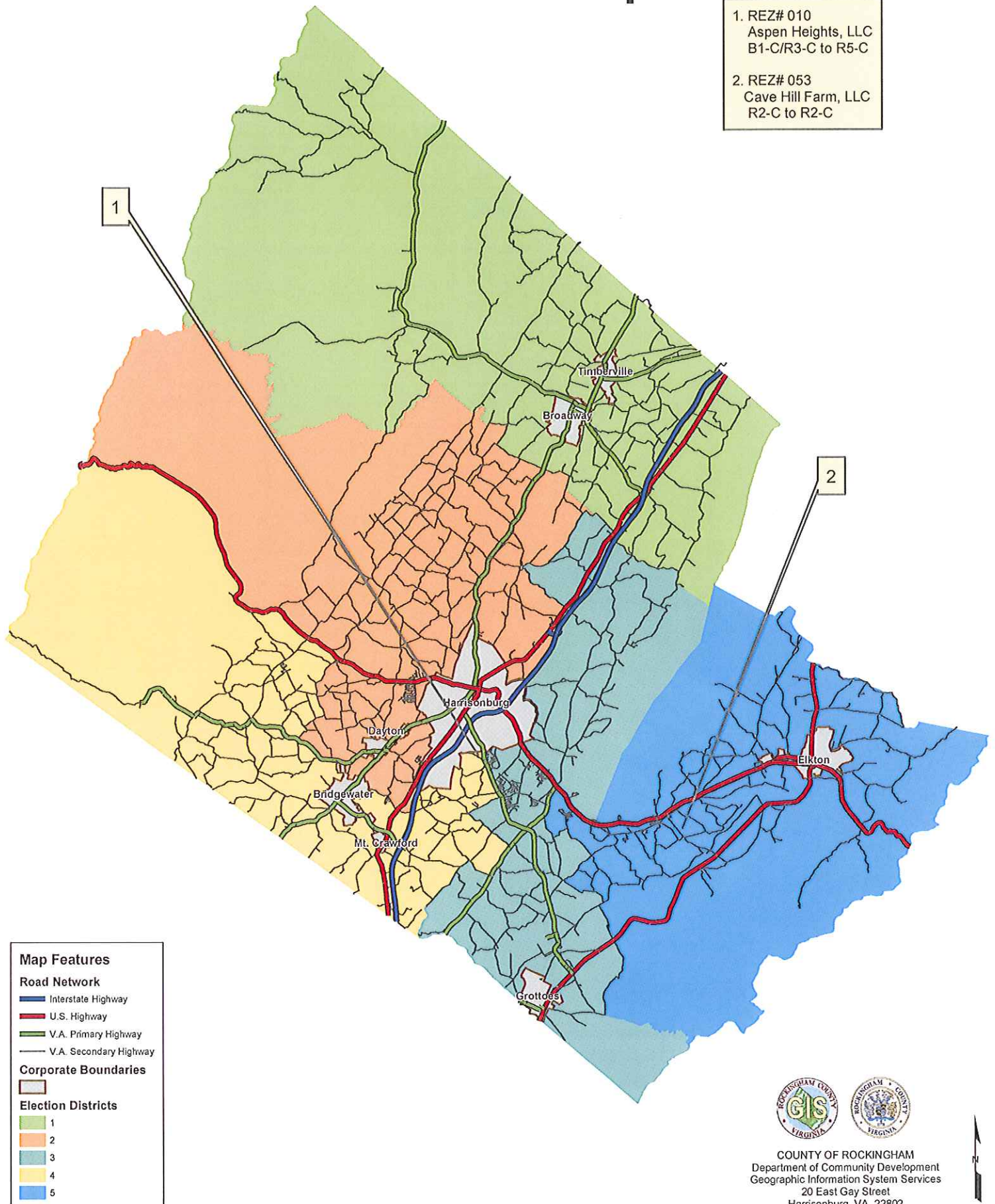
West Rockingham Ag-Forestal District

Key to Features	
	Horst Addition
	Property Lines
	West Rockingham
	Road Centerlines
	State Roads
	Private Lanes
	Water Features



April 2012 Rezoning Request Location Map

1. REZ# 010
Aspen Heights, LLC
B1-C/R3-C to R5-C
2. REZ# 053
Cave Hill Farm, LLC
R2-C to R2-C



\$ 525 + \$10/unit (@ 135 units) =
525 + 1350 = \$1875

ROCKINGHAM COUNTY REZONING APPLICATION

Prior to submitting this application, the applicant must have a preliminary meeting with a planner in the Department of Community Development. No application can be accepted until this meeting is held. Call 540-564-3033 for an appointment.

APPLICANT'S CHECKLIST:

- ☒ Complete this application and sign the front and back.
- ☒ Enclose a boundary map of the property, showing a metes and bounds description of the area to be rezoned. The map cannot be larger than 11" x 17".

FOR OFFICE USE ONLY

Applicant Meeting Date:	Planner: <u>CHRIS ANDREWS</u>	<u>REZ-053</u>
Application Fee: \$ <u>1875.00</u>	Receipt #	Date Received: <u>3/6/2012</u>
Taxes Paid:	Staking Given:	
Deadline Date:	PC Hearing Date: <u>4/3/2012</u>	BOS Hearing Date: <u>4/25/2012</u>

Check if: Owner: ☒
Contract Purchaser: _____

APPLICANT: Cave Hill Farm LLC/JL Hopkins

MAILING ADDRESS: P.O. Box 27, McGaheysville, VA 22840 EMAIL: Glenside51@verizon.net

CONTACT PERSON: Nathan Blackwell DAYTIME PHONE: 540-432-9555 ¹⁻¹⁵⁵²

Send notices to you? Yes If so, include postal and email address: nathan@blackwellengineering.com

LOCATION: (N S E W) of (Road Name) Island Ford Road (Route #) 649

approximately 0.9 miles/feet (N S E W) of (Road Name) Spotswood Trail

(Route #) 33 in Election District # 5

TAX MAP(S) #: 142-(A)-L116 PRESENT USE: Agriculture

NUMBER OF ACRES IN REZONING REQUEST: 67.70± FROM R-2C ZONING TO R-2C (WITH MODIFIED CONDITIONS)

INDICATE METHOD OF:

Water Supply

County Water

City Water *

Community System

Well

Cistern

Sewage Disposal

County Sewer

City Sewer *

Community System

Septic System

Alternative (Specify) _____

* If City water and/or sewer are selected, applicant must have full approval by City and County prior to submitting this rezoning application.

Virginia law permits the landowner to offer conditions (proffers) governing the use of the property. The conditions (proffers) would add to, or modify, the use of the property that the landowner is requesting to be rezoned. These conditions (proffers) must be presented to the Community Development Office in letter form.

John M. Hopkins Jr. Cave Hill John M. Hopkins Jr.
Signature of Landowner L.P.C. Signature of Applicant or Agent

Provide the names and complete mailing addresses of all adjoining landowners, including landowners across any road, railroad, stream, or river. Also include any adjoining landowners within the City of Harrisonburg, a town, or in another county. Attach additional sheets, if necessary.

Remember: If the property in this rezoning request adjoins the City of Harrisonburg, a town, or another county, it is your responsibility to supply this office with the names and current addresses of the adjoining properties within the City, town, or other county.

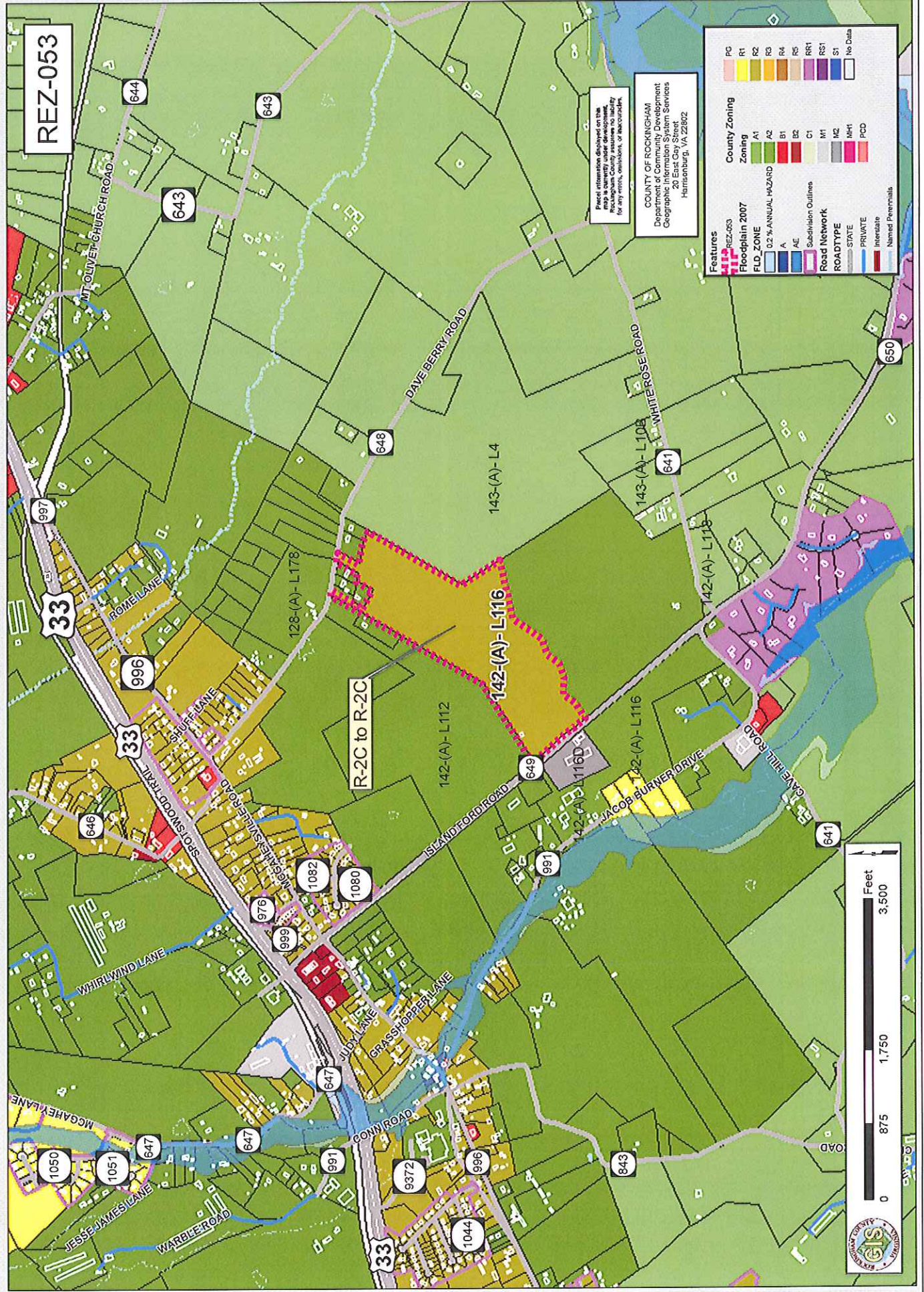
ADJOINING PROPERTY OWNER VERIFICATION

hereby acknowledge that I have faithfully and correctly provided names and complete mailing addresses of all my adjoining property owners and those directly across the street or road. I understand that failure to do so will leave me liable for additional costs for re-advertising and that my request could be delayed until proper notification has been given to all adjoining property owners.

Signature of Applicant Heidi M. Hopkins, Mgr. Date: 3/6/12

PROPERTY PROPOSED TO BE REZONED									
	ZONING		OWNER	OWNER ADDRESS			ACRES		
TM#	Current	Rezoned as:							
142-(A)-L116	A-2	R-2	CAVE HILL FARM LLC	P.O. BOX 27		MCGAHEYSVILLE, VA 22840	153.33±		
ADJACENT PROPERTIES									
	TM#	ZONING	OWNER	OWNER ADDRESS		CITY	ACRES		
1	142-(A)-L112	A-2	GEORGE F BURNER	979 JACOB BURNER DRIVE		MCGAHEYSVILLE, VA 22840	96.96±		
2	142-(A)-L112C	A-2	JOHN R & MARY CLANAHAN/C/O KATHERINE BURNER	P.O. BOX 101		MCGAHEYSVILLE, VA 22840	2.27±		
3	142-(A)-L116F	A-2	DENNIS P & ALISON A SIEVER	858 DAVE BEERY ROAD		MCGAHEYSVILLE, VA 22840	1.00±		
4	142-(A)-L116C	A-2	KENNETH W & MARLENE M MOUBRAY	878 DAVE BEERY ROAD		MCGAHEYSVILLE, VA 22840	0.81±		
5	142-(A)-L116G	-	JASON T WILDER	904 DAVE BEERY ROAD		MCGAHEYSVILLE, VA 22840	0.81±		
6	128-(A)-L178	A-2	DWIGHT L BURNER	P.O. BOX 52		MCGAHEYSVILLE, VA 22840	20.71±		
7	128-(A)-L180	A-2	DWIGHT L BURNER	P.O. BOX 52		MCGAHEYSVILLE, VA 22840	1.11±		
8	128-(A)-L180A	A-2	SHENANDOAH VALLEY REAL ESTATE INVESTMENT TRUST LLC	10401 WHISPERING PINE LANE		MCGAHEYSVILLE, VA 22840	4.50±		
9	142-(A)-L116E	A-2	IRVIN D & JOYCE S NOAKES JR	970 DAVE BEERY ROAD		MCGAHEYSVILLE, VA 22840	1.62±		
10	142-(A)-L116A	A-2	THOMAS M & E JESSICA WOOD	1000 DAVE BEERY ROAD		MCGAHEYSVILLE, VA 22840	0.99±		
11	143-(A)-L4	A-1	JANET L & ROBERT R WAYLAND JR	10509 WHITE ROSE ROAD		MCGAHEYSVILLE, VA 22840	130.29±		
12	143-(A)-L10B	A-1	SHENANDOAH VALLEY REAL ESTATE INVESTMENT TRUST LLC	10401 WHISPERING PINE LANE		MCGAHEYSVILLE, VA 22840	7.42±		
13	143-(A)-L117	A-1	VIRGINIA STATE DEPARTMENT OF HIGHWAYS	1221 EAST BROAD STREET		RICHMOND, VA 23219	4.13±		
14	143-(A)-L11A1	A-1	MARTIN D & CYNTHIA S OFFENBACKER JR	10258 WHITE ROSE ROAD		MCGAHEYSVILLE, VA 22840	10.38±		
15	142-(A)-L118A	A-1	HOUSTON D MARTIN & SARAH J KUEHLE	10194 WHITE ROSE ROAD		MCGAHEYSVILLE, VA 22840	0.86±		
16	142-(A)-L118	A-1	NORMAN E & LOIS S WORKMAN TRUSTEES	1517 ISLAND FORD ROAD		MCGAHEYSVILLE, VA 22840	6.24±		
17	142-(A)-L118B	A-1	CAVE HILL FARM LLC	P.O. BOX 27		MCGAHEYSVILLE, VA 22840	0.25±		
18	142-(A)-L119D	A-2	CAVE HILL FARM LLC	P.O. BOX 27		MCGAHEYSVILLE, VA 22840	1.00±		
19	142-(A)-L116D	M-2	WALTER M & LISA B HOPKINS	P.O. BOX 42		MCGAHEYSVILLE, VA 22840	6.90±		

PC Hearing Date: 4/03/2012
BOS Hearing Date: 4/25/2012



March 5, 2012

Ms. Rhonda Cooper
Rockingham County
Senior Planner
20 East Gay Street
Harrisonburg, VA 22802

RE: The Ponds – TM 142-(A)-116 67.70 acres of the 153.33 acres
Rezone from A-2 to R-2C

Dear Ms. Cooper:

Along with the rezoning request for the above referenced property, the following revised proffers are voluntarily submitted, in lieu of any and all other proffers submitted:

1. Entrances and roadways shall be constructed according to applicable VDOT requirements.
2. The attached layout showing the proposed lots, roads and ponds shall generally be followed. Adjustments during the design phase may be necessary, but the basic layout shall be maintained. A total of one hundred thirty five (135) dwelling units shall be the maximum number of units in the development. However, based on market demands, the combination and location of two unit attached and single family detached units may vary. The four detached lots on the west side of Road 2 numbered 22-25 shall be single family detached units. No more than thirty units shall be developed during any calendar year. All units shall have a minimum foundation footprint of 1,200 square feet.
3. Two large ponds shall be constructed in the general locations as shown on the attached layout.
4. Road connections to neighboring properties and to Dave Berry Road (Rt. 648) shall be made generally as shown on the attached layout.
5. At least twenty percent (20%) of the total area to be rezoned shall be open space (including the ponds) and an effort will be made to preserve as many trees as possible but not less than 100 trees of 2 inch in diameter shall remain. In addition, one shade and one ornamental tree shall be planted on each lot without existing trees. The open spaces shall be defined by fences, plantings and/or well marked property corners. Walking paths around the perimeter shall be provided.
6. A homeowners association shall be established with covenants to regulate uses and maintenance of open spaces.

7. So long as the existing private airstrip on the parcel adjoining the project is in use and the existing special use permit for that use remains in effect, no residences will be constructed within the two hundred foot (200') wide strip of land running with the trajectory of the existing private airstrip, as shown on the attached layout. In addition, the covenants for the community will disclose the existence of the private airstrip on the adjoining parcel as well as the potential for the future construction of additional homes within the 200-foot strip.
8. A livestock-approved fence shall be installed, by and at the expense of Cave Hill Farm, LLC along the common property line between the proposed development and TM parcel 143-A-L4, presently listed as owned by Janet and Robert Wayland, Jr. Prior to the issuance of a Certificate of Occupancy for the first dwelling, on which the subdivided lot is adjacent to the common property line, the entire length of the fence along the common property line shall be installed.

Sincerely,

Cave Hill Farm L.L.C. by Helen M. Hopkins, Mgr.

Cave Hill Farms, LLC

By Helen M. Hopkins, Manager



Community Development Rezoning Report REZ-053

Planning Commission
April 3, 2012

Board of Supervisors
April 25, 2012

Applicant	Cave Hill Farm, LLC
Tax Map Id	Portion of 142-(A)-L116
Present Zoning	R-2C (Medium-Density Residential with Conditions)
Proposed Zoning	R-2C (Medium-Density Residential with Revised Conditions)
Location	<ul style="list-style-type: none"> ▪ East side of Island Ford Road (Rt. 649) ▪ Approximately .9 mile south of Spotswood Trail (Rt. 33)
Acreage	67.7 Acres
Election District	5
McGaheysville Area Plan	<ul style="list-style-type: none"> ▪ Community Industrial Center ▪ Village Core Near-Term Expansion

Staff Recommendation:	March 22, 2012: Approval
Planning Commission:	April 3, 2012:
Board of Supervisors:	April 25, 2012:

GENERAL INFORMATION

BACKGROUND

On January 12, 2011, this site was rezoned from A-1 to R-2C to allow a single family detached and two-unit attached housing. The applicant proffered to restrict the lots for single family detached units to only be used as such. Lots shown for two-unit attached housing could be replaced by single family detached units. In no case could the total number of units exceed 135.

On January 25, 2012, .7 acre was added to the project area.

OVERVIEW

The applicant is requesting approval to amend the proffers to allow the lots to be used interchangeably for single family detached and two-unit attached housing. The total number of units would remain capped at 135.

In addition, the proffer, regarding the livestock fencing along the eastern property lines, has been clarified.

PROFFERS¹

The applicant has submitted amended proffers to allow any combination of two-unit attached and single family detached units. However, four lots, located along the northwest property line, are to remain exclusively for single family detached units. The maximum number of units remains at 135 dwelling units.

MCGAHEYSVILLE AREA PLAN

The McGaheysville Area Plan designates this area as Community Industrial Center and Village Core Near-Term Expansion.

ZONING AND EXISTING LAND USE

The property is zoned R-2C and is currently pasture land and woodlands.

¹ Proffers are voluntary contributions made by developers to the County through the conditional zoning process. Proffers are binding commitments which become a part of the County's zoning ordinance as it pertains to a specific property.

Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	A-2	Private airplane flight landing strip, pasture, wooded areas, and single-family residences
East	A-1	Pasture and wooded areas
South	A-2	Pasture
West	M-2	Cave Hill Corporation

STAFF AND AGENCY ANALYSIS

PUBLIC FACILITIES

Schools

After reviewing the proposed location, Rockingham County School Administration states it would be in support of this possible change. These units would fall in the McGaheysville Elementary School, Elkton Middle School, and East Rockingham High School attendance area where the schools would be able to absorb the increased enrollment.

SUMMARY

Considerations

The McGaheysville Area Plan designates this area as Community Industrial Center and Village Core Near-Term Expansion.

Staff Recommendation: Approval

March 26, 2012

The proposed rezoning is a modification of the proffers for the previously approved The Ponds subdivision.

The proposed number of dwelling units will remain the same, allowing for any combination of single family detached or two-unit attached dwellings. Four lots, located along the northwest property line will remain single family detached units only.

In light of the total number of units remaining unchanged, while adding the flexibility for any combination of the two housing types, is not expected to negatively impact the area. Additionally, the proffer regarding the installation of livestock fencing has been clarified.

Planning Commission Recommendation:

April 3, 2012

ROCKINGHAM COUNTY REZONING APPLICATION

Prior to submitting this application, the applicant must have a preliminary meeting with a planner in the Department of Community Development. No application can be accepted until this meeting is held. Call 540-564-3033 for an appointment.

APPLICANT'S CHECKLIST:

- ☐ Complete this application and sign the front and back.
- ☐ Enclose a boundary map of the property, showing a metes and bounds description of the area to be rezoned. The map cannot be larger than 11" x 17".

FOR OFFICE USE ONLY

Applicant Meeting Date: <u>—</u>	Planner: <u>CHRISTOPHER ANDREWS</u>	
Application Fee: \$ <u>1350</u>	Receipt # <u>88369</u>	Date Received: <u>1-10-2012</u>
Taxes Paid: <u>✓</u>	Staking Given: <u>—</u>	
Deadline Date: <u>—</u>	PC Hearing Date: <u>4/3/2012</u>	BOS Hearing Date: <u>4/25/2012</u>

Check if: Owner:
Contract Purchaser X

APPLICANT: Aspen Heights, LLC

MAILING ADDRESS: 1301 S. Capital of Texas Hwy, Suite B-201, Austin, TX 78746 EMAIL: rfetgatter@myaspenheights.com

CONTACT PERSON: Ryan Fetgatter DAYTIME PHONE: (512) 369-3030 x311

Send notices to you? Yes If so, include postal and email address: 566 E. Market St., Harrisonburg, VA 22801;

DICK JOHNSON dick@blackwellengineering.com (540) 432-9555
DICK@BLACKWELLENGINEERING.COM

LOCATION: (N S E W) of (Road Name) Port Republic Road (Route #) 253

approximately 0.25 miles/feet (N S E W) of (Road Name) Port Republic Road STONE SPRING
(Route #) 726 in Election District # 4 ROAD CAA

TAX MAP(S) #: 125-(A)-L3 PRESENT USE: Undeveloped B-1C/R-3/R-3C

NUMBER OF ACRES IN REZONING REQUEST: 23.1 FROM B-1C/ R-3C ZONING TO R-5C

INDICATE METHOD OF:

Water Supply

County Water

City Water *

Community System

Well

Cistern

Sewage Disposal

County Sewer

City Sewer *

Community System

Septic System

Alternative (Specify) _____

* If City water and/or sewer are selected, applicant must have full approval by City and County prior to submitting this rezoning application.

Virginia law permits the landowner to offer conditions (proffers) governing the use of the property. The conditions (proffers) would add to, or modify, the use of the property that the landowner is requesting to be rezoned. These conditions (proffers) must be presented to the Community Development Office in letter form.

Mountain View Apt. LLC
by [Signature]
Signature of Landowner

[Signature]
Signature of Applicant or Agent

Provide the names and complete mailing addresses of all adjoining landowners, including landowners across any road, railroad, stream, or river. Also include any adjoining landowners within the City of Harrisonburg, a town, or in another county. Attach additional sheets, if necessary.

Remember: If the property in this rezoning request adjoins the City of Harrisonburg, a town, or another county, it is your responsibility to supply this office with the names and current addresses of the adjoining properties within the City, town, or other county.

[illegible]

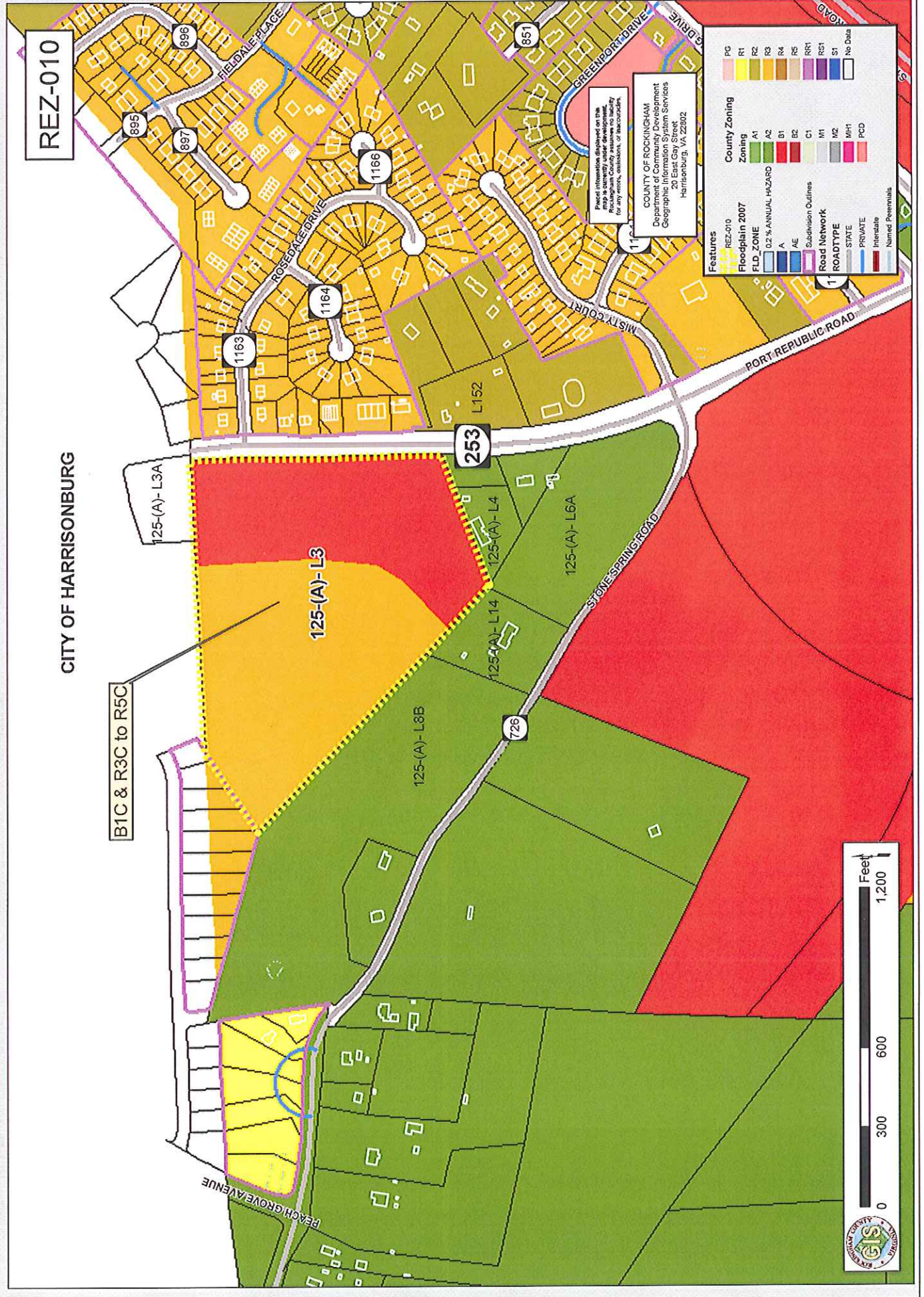
AS APPLICANT FOR THIS REZONING, I _____
Applicant (PLEASE PRINT NAME)

Signature of Applicant Rafael Barlow Date: 1/6/12
Agent

PROPERTY PROPOSED TO BE REZONED						
TM#	ZONING	ADDRESS	OWNER	OWNER ADDRESS	ACRES	
125-A-L3	Current B-1	PORT REPUBLIC ROAD	MOUNTAIN VIEW APARTMENTS LLC	P.O. BOX 64	BRIDGEWATER, VA 22812	23.1±
ADJACENT PROPERTIES						
TM#	ZONING	ADDRESS	OWNER	OWNER ADDRESS	CITY	
1 COUNTY 125G-1-B L1	R-3	PORT REPUBLIC ROAD	ROBERT & THERESA WEASE	22 LAUREL ST.	HARRISONBURG, VA 22801	
2 COUNTY 125G-1-B B L8	R-3	PORT REPUBLIC ROAD	CHRISTOPHEL PROPERTIES VA	930 OAK HILL DR.	HARRISONBURG, VA 22801	
3 COUNTY 125G-1-B B L9	R-3	PORT REPUBLIC ROAD	VIRGINIA DARE PROPERTIES	930 OAK HILL DR.	HARRISONBURG, VA 22801	
4 COUNTY 125G-1-B B L10	R-3	PORT REPUBLIC ROAD	C/O CHRISTOPHEL PROPERTIES VA	930 OAK HILL DR.	HARRISONBURG, VA 22801	
5 COUNTY 125G-2-B B L4A	R-3	1188 PORT REPUBLIC ROAD	C/O CHRISTOPHEL PROPERTIES VA	1188 PORT REPUBLIC ROAD	HARRISONBURG, VA 22801	
6 COUNTY 125G-2-B B L4	R-3	PORT REPUBLIC ROAD	RODNEY & SYLVIA EAGLE	1188 PORT REPUBLIC ROAD	HARRISONBURG, VA 22801	
7 COUNTY 125G-2-B B L2	R-3	PORT REPUBLIC ROAD	J KENNETH & C LARRIE KLINE	1188 PORT REPUBLIC ROAD	HARRISONBURG, VA 22801	
8 COUNTY 125G-2-B B L1	R-3	PORT REPUBLIC ROAD	LARRY MARTIN & JEAN TROYER	1613 MASSANETTA SPRINGS ROAD	HARRISONBURG, VA 22801	
9 COUNTY 125-A-L152	R-2	1721 PORT REPUBLIC ROAD	WARREN STREET LLC	1613 MASSANETTA SPRINGS ROAD	HARRISONBURG, VA 22801	
10 COUNTY 125-A-L5	A-2	PORT REPUBLIC ROAD	PAUL JOHNSON	613 LOCUST HILL DRIVE	HARRISONBURG, VA 22801	
11 COUNTY 125-A-L4	A-2	PORT REPUBLIC ROAD	RALPH L & PATRICIA D HOUSDEN	1721 PORT REPUBLIC ROAD	HARRISONBURG, VA 22801	
12 COUNTY 125-A-L6A	A-2	PORT REPUBLIC ROAD	RALPH L & PATRICIA D HOUSDEN	3669 SHEN LAKE DRIVE	HARRISONBURG, VA 22801	
13 COUNTY 125-A-L14	A-2	PORT REPUBLIC ROAD	KKB LLC	3669 SHEN LAKE DRIVE	HARRISONBURG, VA 22801	
14 COUNTY 125-A-L8B	A-2	1577 STONE SPRING ROAD	JANET D HARTMAN	P.O. BOX 2037	HARRISONBURG, VA 22801	
15 COUNTY 125K-1-L K 8	R-3	1231 KING EDWARDS WAY	RAINBOW END LLC	1577 STONE SPRING ROAD	HARRISONBURG, VA 22801	
16 COUNTY 125K-1-L K 9	R-3	1241 KING EDWARDS WAY	C/O VIRGINIA WOOLF	1395 STONE SPRING ROAD	HARRISONBURG, VA 22801	
17 COUNTY 125K-1-L K 10	R-3	1251 KING EDWARDS WAY	FRANCIS J MORAN	1231 KING EDWARDS WAY	HARRISONBURG, VA 22801	
18 COUNTY 125K-1-L K 11	R-3	1261 KING EDWARDS WAY	EKASAK & SHOTINUN WONGSTRIKUL	1241 KING EDWARDS WAY	HARRISONBURG, VA 22801	
19 COUNTY 125-L K 12	R-3	1271 KING EDWARDS WAY	STEVEN A ROADCAP	1251 KING EDWARDS WAY	HARRISONBURG, VA 22801	
15 CITY 91-K-8	RES.	1231 KING EDWARDS WAY	MARK R WHALEN	1261 KING EDWARDS WAY	HARRISONBURG, VA 22801	
16 CITY 91-K-9	RES.	1241 KING EDWARDS WAY	RYAN M SODIKOFF	1271 KING EDWARDS WAY	HARRISONBURG, VA 22801	
17 CITY 91-K-10	RES.	1251 KING EDWARDS WAY	FRANCIS J MORAN	1231 KING EDWARDS WAY	HARRISONBURG, VA 22801	
18 CITY 91-K-11	RES.	1261 KING EDWARDS WAY	EKASAK & SHOTINUN WONGSTRIKUL	1241 KING EDWARDS WAY	HARRISONBURG, VA 22801	
19 CITY 91-K-12	RES.	1271 KING EDWARDS WAY	STEVEN A ROADCAP	1251 KING EDWARDS WAY	HARRISONBURG, VA 22801	
20 CITY 8-J-2	R-1	SKYLARK LANE	MARK R WHALEN	1261 KING EDWARDS WAY	HARRISONBURG, VA 22801	
21 CITY 88-L1	R-1	WINE DRIVE	RYAN M SODIKOFF	1271 KING EDWARDS WAY	HARRISONBURG, VA 22801	
22 CITY 88-L2	R-1	WINE DRIVE	MOUNTAIN VIEW APARTMENTS LLC	P.O. BOX 64	BRIDGEWATER, VA 22812	
23 CITY 88-L3	R-1	1335 WINE DRIVE	MOUNTAIN VIEW APARTMENTS LLC	P.O. BOX 64	BRIDGEWATER, VA 22812	
24 CITY 88-L4	R-1	WINE DRIVE	MOUNTAIN VIEW APARTMENTS LLC	P.O. BOX 64	BRIDGEWATER, VA 22812	
25 CITY 88-L5	R-1	WINE DRIVE	MOUNTAIN VIEW APARTMENTS LLC	1335 WINE DRIVE	HARRISONBURG, VA 22801	
26 CITY 88-L6	R-1	WINE DRIVE	MOUNTAIN VIEW APARTMENTS LLC	P.O. BOX 64	BRIDGEWATER, VA 22812	
27 CITY 88-L7	R-3C	WINE DRIVE	MOUNTAIN VIEW APARTMENTS LLC	P.O. BOX 64	BRIDGEWATER, VA 22812	
28 CITY 88-L8	R-3C	WINE DRIVE	MOUNTAIN VIEW APARTMENTS LLC	P.O. BOX 64	BRIDGEWATER, VA 22812	
29 CITY 88-E-1	R-1	1430 PORT REPUBLIC ROAD	RICK ALLEN STOUGH	1934 PARK ROAD	HARRISONBURG, VA 22802	
			WILLIAM & DEBRA SMITH	1430 PORT REPUBLIC ROAD	HARRISONBURG, VA 22801	

Aspen Heights, LLC Rezoning Request

PC Hearing Date: 4/03/2012
BOS Hearing Date: 4/25/2012





Community Development Rezoning Report REZ-010

Planning Commission
April 3, 2012

Board of Supervisors
April 25, 2012

Applicant	Aspen Heights, LLC
Tax Map Id	125-(A)-L3
Present Zoning	General Business with Conditions (B-1C) and General Residential with Conditions (R-3C)
Proposed Zoning	Planned Residential (R-5)
Location	West side of Port Republic Road (VA Route 253) and approximately 0.25 mile north of Stone Spring Road (VA Route 726)
Acreage	23.1 Acres
Election District	4
Comprehensive Plan	Urban Development Area

Staff Recommendation:	March 27, 2012: Approval
Planning Commission:	April 3, 2012:
Board of Supervisors:	April 25, 2012:

GENERAL INFORMATION

BACKGROUND

In 2010, this 23.1-acre site was rezoned as General Business with Conditions (B-1C) and General Residential with Conditions (R-3C). The business zoning is comprised of 10.5 acres, located along the road frontage. The 12.59 acres of residential zoning is proffered to be constructed as townhouses and duplexes, with a gross density not to exceed 9.5 units per gross acre.

OVERVIEW OF PROPOSAL

The applicant, Aspen Heights, is proposing to rezone the 23.1 acres to R-5 to allow the construction of 184 residences, with a gross density of 7.9 units per gross acre. Units would have two to five bedrooms. The Master Plan shows 30% open space, pedestrian and bicycle accommodations, and community amenities. This project would be marketed as student housing.

PROFFERS¹

The applicant has submitted proffers as part of the Narrative Statement. The Master Plan and Narrative Statement are attached.

COMPREHENSIVE PLAN

The Comprehensive Plan designates the area as Urban Development Area.

¹ Proffers are voluntary contributions made by developers to the County through the conditional zoning process. Proffers are binding commitments which become a part of the County's zoning ordinance as it pertains to a specific property.

ZONING AND EXISTING LAND USE

Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	City of Harrisonburg	Ashby Meadows (R-1, R-3C, low density, single family detached residences)
East	R-3	Rosedale (Duplexes across Port Republic Road)
South	A-2	Photography studio, single family detached residences on large lots
Southeast	R-3 and R-2	Businesses, residence
West	R-3 and A-2	Single family detached residences, wooded land

STAFF AND AGENCY ANALYSIS

UTILITIES

Public Works

Water service can be provided to the site by connection to the existing waterline located in Rosedale. This connection will require crossing under Port Republic Road. To obtain required fire flows, it is assumed that a looped water system will need to be created. One possible option would be connecting into a proposed water line that will serve the Hammond development located at the northwest corner of Port Republic Road and Stone Spring Road.

Sewer service is also available in two separate locations. The first location is in Rosedale. To use this connection, a sewage pump station would be required to transport the sewage across Port Republic Road. According to Rockingham County policy, no net gain in the number of sewage stations is allowed. Before a station could be constructed, one of Rockingham County's existing stations would need to be taken out of service. The second connection would be to the existing City of Harrisonburg sewer main located to the west of the property. This would be the preferred connection because no pump station would be required. However, approval from the City of Harrisonburg needs to be obtained prior to any connections being made. Also, the City may require some type of flow metering system for the sewage prior to it entering the City sewer system.

Health Department

The Virginia Department of Health does not have any comment for this rezoning, based on the applicant indicating that public water and sewer would serve their development

ENVIRONMENTAL

Soils

According to the soil survey, the soil types found on this site are generally on slopes of 2 to 15 percent, and the depth to a root-restrictive layer is more than 60 inches. The soil mainly consists of weathered limestone with minor amounts of interbedded sandstone. The soil is well drained, with the permeability being moderately low to moderately high. Organic matter content in the surface horizon is about 2 percent. The shrink-swell potential is moderate. The soil does not meet hydric criteria.

Floodplain

According to FEMA mapping, the parcel is not located within a 100-year floodplain.

PUBLIC FACILITIES

Schools

Rockingham County Schools does not foresee any potential impact on the school system from this proposal. It should be reiterated that if this property were no longer used for college student housing, the response of Rockingham County Schools would change.

Emergency Services

Aspen Heights is one mile from Hose Company Number Four, Station 41, and 1.75 miles from the Harrisonburg Rescue Squad. This request, if approved, will cause an increase in call load for emergency services in this area.

TRANSPORTATION

Traffic Counts

Road	Year	Traffic Count*
Route 253 (Port Republic Road)	2010	9,400 VPD

* Based on vehicles per day

VDOT

With the recent upgrade of Port Republic Road to a 4-lane divided highway, VDOT has no concerns about roadway capacity. However, due to Port Republic

Road in this area being classified as an Urban Minor Arterial, VDOT has Access Management concerns that should be addressed.

1. Construction of a full width (12') right-turn lane and taper of adequate capacity on Port Republic Road to serve the proposed development.
2. Construction of a full width (12') left-turn lane and taper of adequate capacity on Port Republic Road to serve the proposed development.

The proposed entrance location appears to meet access management spacing requirements. VDOT has no comments concerning internal streets, as they are proposed to be privately maintained. The existing stormwater retention facility is maintained under a tri-party agreement between VDOT, Rockingham County and the current landowner. Relocation of this facility as proposed will require review and approval by VDOT and an amended tri-party agreement.

SUMMARY

Considerations

- The Comprehensive Plan sets a goal that "safe, attractive, and high quality housing will be available" and "located in areas which are conveniently accessible to public services", while higher density housing will be located in and near towns and cities. (Pg. 2-4)
- The Comprehensive Plan notes that the County will "take the necessary measures to ensure that new development will be:", "concentrated mainly in areas served by public water and sewer (designated as Urban Growth Areas), including areas in and around the incorporated towns and adjacent to major road corridors." (Pg. 2-7)
- The rezoning parcel is located within the County's Urban Development Area (UDA), which was established in July of 2011. The UDA accommodates compact residential development designed to incorporate a mix of housing types and to accommodate "pedestrian and vehicular traffic with a full complement of services and amenities." As mandated by State Code, the UDA is expected to accommodate projected residential and commercial growth for the next 10 to 20 years.
- A strategy of the Comprehensive Plan is to locate 80% of new housing in compact growth areas served by community facilities, by allowing higher residential densities with traditional design elements.
- The proposed Aspen Heights Master Plan shows front-yard greens (which are part of the 30% open space), parking at the rear of residences, amenities, and bicycle and pedestrian accommodations with direct access to the Port Republic Road multi-purpose trail.

- In response to requests from adjoining landowners for the provision of screening, the Narrative Statement includes perimeter fencing and landscaping.
- The applicant's Master Plan and Narrative Statement includes proffered items that satisfy the *Criteria for Approving Rezoning Applications*, which is found in the Comprehensive Plan. (Pg. 2-48)

Staff Recommendation: Approval

March 27, 2012

This site is within the Urban Development Area shown in the Comprehensive Plan, as amended in 2011. The proposed project is compatible with the Comprehensive Plan goals and strategies.

Planning Commission Recommendation:

April 3, 2012

Board Decision:

April 25, 2012



ASPEN HEIGHTS - HARRISONBURG

MASTER PLAN NARRATIVE STATEMENT

A NEIGHBORHOOD OF CRAFTSMAN HOMES
WITH ALL THE CONVENIENCE AND AMENITIES
OF A LUXURY MULTI-FAMILY DWELLING COMPLEX

Prepared for:	Aspen Heights
By:	Blackwell Engineering

Master Plan
For
Aspen Heights – Harrisonburg

A Planned R-5 Residential Community

Port Republic Road
Rockingham County, Virginia

Aspen Heights
Rockingham County Tax Parcel 125-(A)-L3

Amended as of March 28, 2012

Project Development Objectives and Character. What follows is a general description of the project to provide context to the rezoning request. It does not constitute binding proffers, which are separately stated.

The development concept for Aspen Heights is that of a gated community of homes with amenities including a community clubhouse with a fitness center for residents, outdoor swimming pool, and sport court. Housing types will include a mix of detached homes, duplexes and townhomes of high quality.

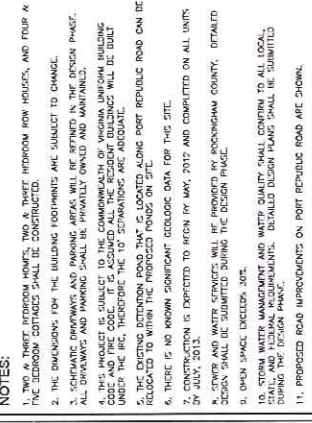
What distinguishes Aspen Heights from other high-end residential communities is that its predominant residents are intended to be college students who prefer the security, style and comfort of a gated neighborhood to the apartment complexes that traditionally house students. Of course, the Owner cannot legally proffer to restrict residences to occupancy by students, but the project is designed to appeal to the needs and desires of that market.

Construction of Aspen Heights is planned to begin during the summer of 2012 with all units and amenities completed for occupancy and use in August 2013, prior to the 2013-2014 JMU academic year. This schedule is dependent upon the rezoning of the land and approval of the site plans by late spring of 2012.

Binding Development Characteristics. The project shall be developed and operated in keeping with the following:

1. The community shall have gated access with keypad or other system for entry. Internal roadways shall be private, with no public maintenance obligations.
2. Building exteriors shall vary in color and design. All residences shall be two stories in height.
3. The entrances to the Property shall be constructed according to applicable VDOT requirements, and may vary in location, number and scope from what is shown on the attached Master Plan layout if approved by VDOT and the County as part of site plan approval process. The Applicant shall design and construct at its expense, to VDOT standards, the improvements to Port Republic Road at the primary entrance to the Property as required by VDOT, to provide left and right turn lanes within the existing right of way and median/turn lane area of Port Republic Road.

4. The emergency road connection to Skylark Lane/Wine Drive shall be restricted to emergency vehicles only.
5. The attached Master Plan layout showing the proposed roads, residences, and ponds shall generally be followed. Adjustments during the design phase may be necessary, but the basic layout shall be maintained.
6. Density of development of the Property shall not exceed one hundred eight four (184) dwelling units.
7. Residences closest and parallel to the property boundary with Ashby Meadows, Section One or the property boundary with Rockingham County tax parcel 125-A-L14 (currently owned by Janet Hartman) and with Rockingham County tax parcel 152-A-L4 (currently owned by Ralph and Patricia Housden) shall be oriented so that the rear of the residential unit (rather than its front) faces the property boundary line, except in corners where a side of a dwelling rather than its front or rear necessarily faces the adjoining property line.
8. At least thirty percent (30%) of the total area of the Property shall be open space (including the ponds and yards/landscaped areas). Landscaped areas shall be oriented to provide vegetative buffers to adjoining properties in keeping with sound landscaping practices, as well as the guidelines and limitations imposed by the holders of any easements affecting the property.
9. Along the northern boundary of the property bordering platted lots in Ashby Meadows, Section One, Applicant shall install a fence with a minimum height of 60" for the purpose of providing a physical and visual barrier between the project and residences in Ashby Meadows. The exact location, height, and materials shall be determined in compliance with the guidelines of Dominion Virginia Power, which holds a powerline easement along that property boundary. Locked gates may be included if and as required to meet the requirements of Dominion Virginia Power for access to its lines. Such fence will not extend across the paved emergency access, to ensure emergency vehicle accessibility. This fence shall be installed within 60 days after issuance of a certificate of occupancy for the first dwelling in the project.
10. Applicant shall install customary Residential-style 60" minimum high fence restricting visibility and affording a physical barrier to access along the boundaries of the project with Rockingham County tax parcel 125-A-L14 currently owned by Janet Hartman and with Rockingham County tax parcel 152-A-L4 currently owned by Ralph and Patricia Housden. This fence shall be installed within 60 days after issuance of a certificate of occupancy for the first dwelling in the project.
11. As part of development of the project, Applicant shall construct at its expense a six foot (6') wide, approximately 270' long shared use path along the north side of the main entrance drive. Bicycle racks shall be provided, a minimum of one bicycle space for every four bedrooms, in several locations within the community.
12. When a bus stop is approved by the Harrisonburg Department of Public Transportation, Applicant will provide a bus stop for the project's residents, with the location and design of the bus stop coordinated with VDOT, and Harrisonburg Department of Public Transportation.
13. Applicant shall remove the existing pipe fence along Port Republic Road's boundary with the project, subject to approval of such removal by VDOT and the granting of all necessary grading easements by adjoining property owners to facilitate such work. This fence shall be replaced with an ornamental aluminum fence or other comparable substitute approved by VDOT. This fence shall be installed within 60 days after issuance of a certificate of occupancy for the first dwelling in the project.
14. On-site security patrol will be provided on weekends, unless the Owner obtains the written approval of the County Sheriff's Office to discontinue such security services.



OA12-028
ORDINANCE REPEALING
AND
RE-ENACTING
SECTION 17-117(d)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-117(d) . Townhouse, condominium, and multifamily regulations for the R-3 district be and hereby is repealed and re-enacted as follows:

Section 17-117. . Townhouse, condominium, and multifamily regulations for the R-3 district be and hereby is repealed and re-enacted as follows

(d) Condominium and multifamily dwelling developments may be exempted from the minimum width at the setback requirement, provided the density does not exceed eighteen (18) dwelling units per acre or exemption may be granted by the Board of Supervisors by special use permit on developments in excess of eighteen (18) dwelling units per acre. The maximum length of any continuous multifamily or condominium structure shall be two hundred (200) feet unless this requirement is waived by special use permit by the Board of Supervisors. A special use permit request made under this section of the Code shall be accompanied by a development plan showing the layout of the property (including, but not limited to buildings, open space, and parking). This

development plan shall be made a condition of the special use permit and shall be binding.

This ordinance shall be effective from the ___ day of _____, 2012.

Adopted the ___ day of _____, 2012.

Aye

Nay

Abstain

Absent

Supervisor Cuevas

District One

Supervisor Eberly

District Two

Supervisor Floyd

District Three

Supervisor Kyger

District Four

Supervisor Breeden

District Five

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION

APPROVAL

MARCH 15, 2012

This would allow the Board the opportunity to look at projects on a case by case basis and determine each one on its own merit if there is a request for increased units or increased length of building and would allow more compact development to occur where appropriate – for example, in the UDA recently approved by the Board of Supervisors.

OA12-037(a)
ORDINANCE REPEALING
AND
RE-ENACTING
DIVISION 12, SECTIONS 17-86 – 17-89
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Division 12.- Manufactured Home District MH-1 be and hereby is repealed and re-enacted as follows:

Division 12. - Mixed Home District MH-1

DIVISION 12. - ~~MANUFACTURED~~ MIXED HOME DISTRICT MH-1

[Sec. 17-86. - Purpose and intent.](#)

[Sec. 17-87. - Permitted uses.](#)

[Sec. 17-88. - Special uses.](#)

[Sec. 17-89. - Accessory uses.](#)

Sec. 17-86. - Purpose and intent.

This district is designed to allow low-cost residential opportunities in the form of manufactured home parks and ~~manufactured~~ mixed home subdivisions in locations where such uses are compatible with adjoining land uses. Concentrations of ~~manufactured~~ low-cost residential homes are recognized as a viable and practical means of housing with certain regulations herein provided.

(P.C. Ord. No. 84-5, § 612.01, 10-10-84)

Sec. 17-87. - Permitted uses.

Within ~~manufactured mixed~~ home district MH-1, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII:

- (a) Manufactured home parks in accordance with article VII;
- (b) ~~Manufactured-Mixed~~ home subdivisions in accordance with article VII;

(c) Manufactured Homes

(d) Single Family Dwelling provided they are constructed in a mixed home subdivision in accordance with article VII and the following conditions at the time of initial development:

1. The first twenty-five (25) homes constructed in a mixed home subdivision shall either be a manufactured home or on-frame modular home.

2. No more than sixty percent (60%) of homes in a mixed home subdivision shall be single family dwellings.

3. The square footage of a single family dwelling shall not exceed the square footage of the largest manufactured home or on-frame modular home in the subdivision.

(ee) Housing management offices for manufactured home parks, child care centers, laundry facilities, indoor recreation facilities, swimming pools, playgrounds and other outdoor recreation facilities, and any other service facilities or permanent buildings that directly serve the ~~manufactured-home development's~~ residents, provided that such uses are subordinate to the residential use and character of the district.

(df) Water filling station, natural source.

(eg) Water hauling.

(hf) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).

(P.C. Ord. No. 84-5, § 612.02, 10-10-84; amended for recodification, 1987; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 02-12, 9-25-02)

Sec. 17-88. - Special uses.

When, after review of an application and hearing thereon, in accordance with article VIII, of this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Neighborhood commercial uses provided they are designed and intended to meet those needs of the manufactured home residents and the immediate neighborhood;

(b) Signs as provided in article VII;

(c) Water filling station, confined source.

(d) Telephone exchanges cabinet with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; pumping station or tower; energy products transmission lines, or public utility transformer station; not including service or storage yard. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit process except that requests for energy transmission lines shall be exempt from the landscaping and maintenance plan).

(e) Small wind energy systems as provided by article XII, division 1 of this chapter.

(P.C. Ord. No. 84-5, § 612.03, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 10-19, 11-17-10)

Sec. 17-89. - Accessory uses.

Where an area is devoted to a permitted use, customary accessory uses and structures are authorized, including, but not limited to, the following:

(a) Home occupation provided that the requirements of article VII are met;

(b) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer shall be removed upon completion or abandonment of the construction work;

(c) Private garage;

(d) Accessory buildings as provided for by Article III.

(e) Gardening.

(P.C. Ord. No. 84-5, § 612.03, 10-10-84; P.C. Ord. No. 98-10, 9-23-98; P.C. Ord. No. 03-09, 10-22-03)

This ordinance shall be effective from the ___ day of _____, 201__.

Adopted the ___ day of _____, 201__.

Aye

Nay

Abstain

Absent

Supervisor Cuevas

District One

Supervisor Eberly

District Two

Supervisor Floyd

District Three

Supervisor Kyger
District Four
Supervisor Breedon
District Five

Chairman of the Board of Supervisors

ATTESTE:

Clerk

OA12-037(b)
ORDINANCE REPEALING
AND
RE-ENACTING
DIVISION 6, SECTIONS 17-138 – 17-144
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Division 6.-Manufactured Homes, Manufactured Home Parks, and Manufactured Home Subdivisions be and hereby is repealed and re-enacted as follows:

Division 6.-Manufactured Homes, Manufactured Home Parks, and Mixed Home Subdivisions

DIVISION 6. - MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND
~~MANUFACTURED MIXED~~ HOME

SUBDIVISIONS ^[7]

⁽⁷⁾ **Editor's note**— Division 6, §§ 17-138—17-157, formerly related to mobile homes, mobile home parks, and subdivisions and was derived from P.C. Ord. No. 84-5, adopted October 10, 1984. P.C. Ord. No. 95-1, adopted February 8, 1995, replaced those with provisions relating to manufactured homes, manufactured home parks, and manufactured home subdivisions, as herein set out.

[Sec. 17-138. - Manufactured home requirements—Generally.](#)

[Sec. 17-139. - ~~Manufactured home~~MH-1 accessory structures—Generally.](#)

[Sec. 17-140. - Manufactured home parks.](#)

[Sec. 17-141. - ~~Manufactured~~Mixed home subdivisions.](#)

Sec. 17-138. - Manufactured home requirements—Generally.

Any manufactured home placed in county, whether in a park, subdivision or on private land, after the date of enactment or amendment of this chapter shall meet the following requirements:

- (a) All manufactured homes shall display a HUD seal of approval or the seal of a testing facility approved by the state. All manufactured homes shall meet the plumbing, electrical, building, and anchoring requirements of the Uniform Statewide Building Code. All on-frame modular homes shall meet the Uniform Statewide Building Code.
- (b) All manufactured homes shall be completely skirted, such that no part of the undercarriage shall be visible to a casual observer and with a durable material with a life expectancy of at least five (5) years. Any manufactured home shall be skirted within sixty (60) days of final inspection. All on-frame modular homes shall be placed on a permanent foundation.
- (c) All wheels, tongues and similar devices designed for the transportation of the unit shall be removed within sixty (60) days of final inspection. Property owner or park owner shall report back to the zoning administrator that they have been removed.
- (d) Manufactured homes shall be considered main structures and subject to the regulations and provisions pertaining thereto; and in addition, a manufactured home or on-frame modular home shall not be located in a subdivision which is devoted to or is to be devoted exclusively to single-family dwellings.
- (e) Manufactured homes are allowed to be located on property for residential single-family dwelling purposes only, except that manufactured homes may be used as offices on a manufactured home dealer's lot and as an office in a manufactured home park or subdivision by the park owner or manager of the park or subdivision.
- (f) Manufactured homes shall not be used for storage buildings in the county, and no manufactured homes shall be stored on property in county except on manufactured home sales lots approved by the county.
- (g) No manufactured home shall be moved onto any lot, whether in a park, subdivision or on private land without first obtaining proper permits from the county.
- (h) Gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all county, state and federal fire prevention and protection regulations.

(P.C. Ord. No. 95-1, 2-8-95; P.C. Ord. No. 06-02, 2-22-06)

Sec. 17-139. - ~~Manufactured home~~MH-1 -accessory structures—Generally.

All ~~manufactured home~~-accessory structures in the MH-1 District, whether in a park, subdivision or on private land, erected or constructed after the date of enactment or amendment of this chapter shall meet the following requirements:

- (a) All ~~manufactured home~~-accessory structures shall meet the requirements of the Uniform Statewide Building Code.

(b) Except in the case of an awning or other shade structure, where a ~~manufactured home~~MH-1 District accessory structure is attached to the manufactured home unit, a substantial part of one (1) wall of the accessory structure shall be flush with part of the manufactured home unit or such accessory structure shall be attached to the manufactured home unit by means of a roof.

(c) ~~Manufactured home accessory~~Accessory structures in the MH-1 District shall not exceed the height of the ~~manufactured primary~~ home.

(d) Any accessory structure placed on a ~~manufactured home~~MH-1 lot shall be accessory only to the ~~manufactured~~ home.

(e) Porches may be placed to manufactured homes provided they are constructed in accordance with the provisions of the Uniform Statewide Building Code. As a minimum a three (3) feet by three (3) feet landing shall be required at each door and shall be in place prior to final inspection and occupancy of the home. Any porch or deck over three (3) feet by three (3) feet shall be considered a part of the main building and shall meet main building setbacks.

(f) No porches, decks, or accessory structures to any ~~manufactured home~~MH-1 District shall be constructed or erected, whether in a park, subdivision or on private land, without first obtaining proper permits from the county.

(P.C. Ord. No. 95-1, 2-8-95; P.C. Ord. No. 06-02, 2-22-06)

Sec. 17-140. - Manufactured home parks.

In addition to the requirements set out in section 17-138 and 17-139, manufactured home parks must also meet the following requirements:

(a) *Area, setback and lot requirements.* All manufactured home parks shall meet the following area and setback requirements:

(1) All manufactured home parks shall have a minimum area of at least ten (10) acres. A minimum of three (3) spaces shall be completed and ready for occupancy before the first occupancy is permitted.

(2) The overall density of any manufactured home park shall not exceed four (4) lots per net acre. For density purposes, a net acre shall not include any land in the 100-year floodplain or land used for streets and other public purposes.

(3) The minimum area of any site within a manufactured home park devoted to common open space shall be ten thousand (10,000) square feet.

(4) Each manufactured home lot within a manufactured home park shall be a minimum of ten thousand (10,000) square feet with a minimum street frontage of fifty (50) feet. Lot coverage, herein defined as the percentage of the manufactured home lot area covered by the home and any accessory structure, driveway and parking area, excluding patios, shall not exceed forty (40) percent for a given lot.

(5) Any manufactured home located on a manufactured home lot within the park shall have the street address located on the end of the manufactured home facing the street. These numbers shall be in accordance with chapter 2, section 2-165(a) and (b) of the Rockingham County Code.

(6) No main or accessory structure shall be located closer than thirty-five (35) feet nor farther than fifty (50) feet from any street right-of-way. Minimum setback for a main or accessory building in a manufactured home park shall be thirty-five (35) feet with a maximum setback of fifty (50) feet. No main building shall be located closer than twenty-five (25) feet to any property line of a manufactured home park. A manufactured home shall be located at least ten (10) feet from its lot lines. No accessory building shall be located closer than five (5) feet to any lot line of a manufactured home park.

(b) *Manufactured home park accessory structures.* All manufactured home accessory structures in a manufactured home park must meet the requirements of section 17-139, except accessory structures shall be allowed in any nonconforming manufactured home park only if setbacks can be met.

(c) *Manufactured home park application and preliminary site plan required with rezoning request.* Applicants for manufactured home parks shall meet the following minimum requirements for site plans to be submitted with an application for zoning amendment to a manufactured home district:

- (1) Site plans shall be legibly drawn to scale.
- (2) A vicinity map showing the location and area of the proposed park.
- (3) The boundary lines, area and boundary dimensions of the proposed park.
- (4) The location and dimensions, if any, of all existing streets and street rights-of-way, easements, water, sewerage, drainage facilities, and other community facilities and utilities on and adjacent to the proposed park.
- (5) Proposed layout, including interior streets with dimensions, location and type of solid waste collection facilities, lot lines, dimensions, and areas of manufactured home lots; common open space and recreation areas, common parking areas and other common areas; recreation buildings, if any, and other permanent structures.
- (6) Plan for adequate drainage with street and lot plan designed to avoid drainage problems. Proposed layout shall consider terrain and its effect on adequate drainage away from proposed lots and in the design of streets with channels or drainage structures to assure that ponding or other associated drainage problems will not occur.
- (7) The site plan shall be accompanied by a narrative statement describing how the standards and requirements set forth herein are to be met; a statement that there will be an adequate supply of potable water from either a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, and a statement that there will be an adequate sewer system. Both statements on water and sewer shall have preliminary approval from the health official or the director of public works, where appropriate.

(d) *Final site plan requirements following rezoning.* Upon zoning approval, manufactured home park site plans shall include the following additional information. The final site plan shall be in substantial accordance with the site plan presented with a zoning amendment and shall receive approval from the health official or agent of a community water or sewer system when such a system is to serve the park, transportation engineer, and the zoning administrator prior to

application for manufactured home placement permits. The additional information shall include:

- (1) The date of the site plan, the name of the surveyor or engineer preparing it, and the number of sheets comprising the site plan.
 - (2) The name and signature of the owner, the name of the proposed park; and name of each street within the park; said name of the park and name of each street shall be named according to the established guidelines and procedures, set forth by resolution, in the road/street and subdivision naming manual as amended. Street identification signs of a design approved by the county shall be installed by the developer at all intersections.
 - (3) Water, sewer, drainage and utility lines, facilities and connections with dimensions shown; locations and dimensions of manufactured home stands and parking spaces; location and nature of firefighting facilities, including hydrants, fire extinguishers, and other firefighting equipment; location of dumpsters, location of fuel storage facilities and structures of high flammability.
 - (4) Where appropriate, there shall be a statement from the director of public works, certifying approval of the street and drainage, water and sewer or utility system layout by the owner/operator.
- (e) *Street standards for manufactured home parks.* An internal street system to furnish convenient access to manufactured home stands and other facilities in the park shall be designed such that connection to existing drainage and utility systems is convenient.
- (1) *Public streets.* Streets within a manufactured home park intended to be dedicated as public streets shall comply with the requirements of chapter 16 of this Code
 - (2) *Private streets.* Private streets shall meet the following requirements:
 - a. All internal streets shall be permanently paved with a durable dustproof, hard surface. Minimum pavement widths shall be twenty-four (24) feet streets providing access to forty (40) or more manufactured home stands and eighteen (18) feet for streets providing access to less than forty (40) manufactured home stands. Pavement widths shall be measured from curbface to curbface.
 - b. Dead-end streets shall be limited in length to four hundred (400) feet, shall be provided with cul-de-sacs with turning areas of not less than fifty (50) feet in radius, or with "T", or "Y" turning areas, and shall provide access to no more than twenty (20) manufactured home stands.
 - c. Streets shall be adapted to topography, shall follow the contours of the land as nearly as possible, and shall have safe grade and alignment. No grade shall exceed twelve (12) percent, or no curve shall have an outside radius of less than eighty (80) feet.
 - d. Applications for entrance permits to manufactured home parks from any public street or public road shall conform to the construction standards of the department of transportation.
 - e. No request shall be made to have streets in a manufactured home park served by public streets unless and until the private streets have been dedicated and constructed,

at no cost to the county or to the department of transportation, to the then current standards for public streets. No request shall be made to have lots in a manufactured home park served by public streets unless and until the private streets have been dedicated and constructed, at no cost to the County or to VDOT, to the then current standards for public streets.

f. If the park is served by private streets, each site plan shall contain the following language: "the streets shown on this site plan do not meet the standards necessary for inclusion in the system of state highways nor are they intended for inclusion in the system of state highways and shall not be maintained by the Department of Transportation or Rockingham County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."

(f) *Vehicle parking in manufactured home parks.* Each manufactured home lot shall have at least two (2) paved or graveled parking spaces no closer than ten (10) feet to the manufactured home. A parking area shall be set aside in the manufactured home park to accommodate visitor parking or parking for additional vehicles owned by the occupants of the manufactured home park. At a minimum this parking area shall allow for one (1) parking space for each manufactured home lot and shall be located within one hundred fifty (150) feet of the manufactured home(s) which it serves.

(g) *Disposal of garbage and rubbish.* It shall be the responsibility of the manufactured home park management to collect or cause to be collected and disposed of garbage and rubbish as frequently as may be necessary.

(h) *Record of tenants for manufactured home parks.* The operator of a manufactured home park shall keep an accurate register of all tenants occupying manufactured homes located in the park. The register shall show the names and permanent resident address of the owner and occupants of any manufactured home located in the park; the make and registration of any manufactured home; the time and date of arrival and departure; and such other information as might be necessary to provide information about the occupants of the manufactured home. These records shall be open to the law enforcement officers, county commissioner of the revenue, and zoning administrator whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall be retained for a period of three (3) years following the date of departure of the registrant from the park. Additionally, at the beginning of each year the operator of a manufactured home park shall provide to the zoning administrator a current list of the owners and occupants of each home, address, and the lot on which they reside in the manufactured home park along with the make and registration of the manufactured home on each lot.

(i) *Bonding for construction of streets and utilities.* Prior to obtaining final approval of a manufactured home park site plan and before issuance of any permits for manufactured homes to be located within the park, the owner or developer of the park shall submit to the county a certified check, cash escrow, or letter of credit in the amount of the estimated cost of construction of the streets and utilities and manufacture and installation of the approved street signs. All regulations of the county bonding policy shall be met.

(P.C. Ord. No. 95-1, 2-8-95; P.C. Ord. No. 96-8, 3-13-96; P.C. Ord. No. 06-02, 2-22-06; Ord. No. 07-01, 1-24-07)

Sec. 17-141. - ~~Manufactured-Mixed~~ home subdivisions.

In addition to the requirements set out in section 17-138 and section 17-139, manufactured home subdivisions must also meet the following requirements:

(a) *Area, setback and lot requirements.* All manufactured home subdivisions shall meet the following minimum area and setback requirements:

- (1) Manufactured home subdivisions shall have a minimum area of at least ten (10) acres.
- (2) Each manufactured home lot within a manufactured home subdivision shall be a minimum of ten thousand (10,000) square feet with a minimum street frontage of fifty (50) feet.
- (3) No main or accessory building shall be located closer than thirty-five (35) feet from any street right-of-way. No main building shall be located closer than twenty-five (25) feet to any other property line of a manufactured home subdivision. No manufactured home shall be closer than fifteen (15) feet to any property line; and no other structure shall be located closer than five (5) feet to any property line.

(b) *~~Manufactured-Mixed~~ home subdivision accessory structures.* All ~~manufactured-Mixed~~ home accessory structures in a ~~manufactured-Mixed~~ home subdivision must meet the requirements of section 17-139

(c) *~~Manufactured-Mixed~~ home subdivision application and site plan required with rezoning request.* Applicants for ~~manufactured-mixed~~ home subdivisions shall meet the following minimum requirements for site plans to be submitted with an application for zoning amendment to a ~~manufactured-mixed~~ home district:

- (1) Site plans shall be legibly drawn to scale.
- (2) A vicinity map showing the location and area of the proposed subdivision.
- (3) The boundary lines, area and boundary dimensions of the proposed subdivision.
- (4) The location and dimensions, if any, of all existing streets and street right-of-way, easements, water, sewerage, drainage facilities, and other community facilities and utilities on and adjacent to the proposed subdivision.
- (5) Proposed layout, including interior streets with dimensions; location and type of solid waste collection facilities; lot lines, dimensions, and areas of ~~manufactured~~-home lots; common open space and recreation areas, common parking areas, and other common areas; recreation building, if any, and other permanent structures.
- (6) The site plan shall be accompanied by a narrative statement describing how the standards and requirements set forth herein are to be met; a statement that there will be an adequate supply of potable water from either a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances; and a statement that there will be an adequate sewer system. Both statements on water and sewer shall have preliminary approval from the health official and the director of public works, where appropriate.

(d) ~~Manufactured—Mixed~~ home subdivision—platting. Upon zoning approval, platting of manufactured home subdivisions shall comply with chapter 16 of the county Code and shall be in substantial accordance with the site plan.

(e) Street standards for ~~manufactured—mixed~~ home subdivisions. An internal street system to furnish convenient access to ~~manufactured—mixed~~ home stands and other facilities in the ~~park subdivision~~ shall be designed such that connection to existing drainage and utility systems is convenient.

(1) The following regulations shall pertain to both private and public streets:

(a) Applications for entrance permits to ~~manufactured—mixed~~ home subdivisions from any public street shall conform to the construction standards of VDOT. New streets entering ~~manufactured—mixed~~ home subdivisions shall meet the sight distance requirements of the VDOT minimum standards of entrance to state highways. If sight distance cannot be met, VDOT shall notify the zoning administrator in writing and the ~~park-subdivision~~ shall not be approved.

(b) Grades on all streets shall not exceed a ten (10) percent maximum unless an exception is approved by both VDOT and the fire chief for public streets and the fire chief for private streets. An exception may be granted due to terrain or other mitigating circumstances. Written approval of such exception shall be submitted to the zoning administrator prior to the approval of the plat.

(c) A ten-foot stormwater management and utility easement shall be created on all lot lines of all ~~manufactured—mixed~~ home subdivision lots. Applicable stormwater management regulations and design standards shall be met.

(d) Fire department access shall be provided and maintained to a lot prior to the placement of a structure on said lot. Fire department access roadways shall be an approved surface material, capable of providing emergency vehicles access and support at all times, and shall be a minimum of 24 feet in unobstructed width. The access roadway shall provide a minimum turning radius of 50 feet and minimum vertical clearance of thirteen (13½) feet. No permits shall be issued until such time as the fire chief has notified the zoning administrator in writing that such access has been provided.

(2) Dead-end streets shall be designed as follows for either public or private streets:.

(a) Dead-end streets shall not exceed eight hundred (800) feet or be less than one hundred fifty (150) feet, and shall meet the following requirements:

(1) Dead-end streets shall terminate in an approved cul-de-sac with pavement radii of not less than forty-five (45) feet and a right-of-way radii of not less than sixty (60) feet.

(2) The length shall be measured from the end of the cul-de-sac to the closest intersection, which provides a means of egress from the park either directly or indirectly (see figure 1)

(3) Dead-end streets that provide direct means of egress shall do so by

connecting to a street that provides a direct means of egress (see figure 1)

IMAGE NOT FOUND:\file1.municode.com21967-141.jpg

Figure 1

(b) Lengths of greater than eight hundred (800) feet shall be allowed if the following conditions are met:

(1) Dead-end streets with lengths of greater than eight hundred (800) feet shall require written approval, prior to submission by the fire chief, VDOT (if public street), and the director of public works (if served by public utilities);

(2) An easement from the turnaround to another street provides for a looped water system unless the system is otherwise looped; unless otherwise approved by the director of public works if served by public utilities.

(3) The dead-end street is designed as a dual street with a landscaped median over its entire length, which divides the dead-end street into two (2) distinct and separate lanes. Whether constructed as private or public, the construction of the lanes, right-of-way and median shall be constructed in accordance with VDOT standards. Median breaks shall be provided at every intersection and at other points at intervals of no more than three hundred (300) feet or as otherwise specified by the reviewing parties. Median breaks shall be designed to VDOT standards; and

(4) Fire hydrants shall be placed as required by the fire chief.

(3) *Public streets.* In addition to the requirements in section 17-141(e)(1) and (2) above, streets within a manufactured-mixed home subdivision intended to be dedicated as public streets shall comply with the requirements of chapter 16 of this Code and to the additional following requirements:

(a) Application to have a street accepted into the state secondary highway system may be completed by the developer and submitted to the county and VDOT within three (3) months after the county has issued a certificate of occupancy for the third structure addressed on said street and shall be completed and submitted to the county and VDOT within three (3) months after there are residences on seventy-five (75) percent of the lots in the manufactured-mixed home subdivision or in a section of the subdivision when developed in sections. At that time the street shall meet VDOT secondary road standards.

(b) In the event that the county has accepted the dedication of a street for public use by approval of a recorded manufactured-mixed home subdivision plat, and such road, upon its completion, is not accepted into the VDOT secondary highway system, prior to the release of the improvements bond, the subdivider or developer shall be required to furnish the county with a maintenance and indemnifying bond, either by cash escrow or letter of credit, with surety satisfactory to the agent in an amount sufficient for and conditioned upon, the maintenance of such road until such time as it is accepted into

the state secondary highway system. As a minimum the amount of the maintenance and indemnifying bond shall be twenty-five (25) percent of the amount of the original assurance provided to the county at the time the final plat was approved. The amount of the maintenance bond shall be determined by the agent, public works director and highway engineer. In any event when the third certificate of occupancy for a structure addressed on a street is issued, the developer must comply with section 16-15(o) of the Rockingham County Code. If it is determined by the county and VDOT that the developer has not complied with these requirements, the county may call the maintenance and indemnifying bond and use the proceeds therefrom to have the streets brought up to standards to be taken into the state secondary highway system and shall withhold any building permits or certificates of occupancy until streets are accepted into VDOT's secondary highway system. If for any reason the funds held by the county to bring the road up to state standards are not adequate for completion of the work, the developer shall be responsible for any cost over and above the amount of funds held by the county.

(c) For the purposes of this chapter, "maintenance of the road" shall be deemed to mean maintenance of the streets, curb, gutter, ditches, stormwater management facilities, utilities, street signs or other street improvements, including the correction of defects of damages, so as to keep such road open for public usage.

(4) *Private streets.* In addition to the requirements of Section 17-141(e)(1) and (2) private ~~manufactured-mixed~~ home subdivision streets shall meet the following requirements:

- a. All internal streets shall be permanently paved with a durable dustproof, hard surface. Minimum pavement widths shall be twenty-four (24) feet. Pavement widths shall be measured from curbface to curbface.
- b. No request shall be made to have the lot herein conveyed served by a public street unless and until the private street serving said lot has been dedicated and constructed, at no cost to the county or to the department of transportation, to the then current standards for streets.
- c. The grantee is required to belong to a property owner's association for the maintenance of the private streets within the subdivision and is liable for payment of an annual assessment for the upkeep and maintenance of said private streets.
- d. In lieu of the property owner's association provided in subparagraph (2) of this subsection such deed shall contain a provision for payment of a fixed annual assessment to developer or a third party for maintenance of said streets and in default thereof by developer or third party, the property owners shall take over such street maintenance and shall be empowered with the rights of developer or third party to make a fixed annual assessment.
- e. If the park is served by private streets, each site plan shall contain the following language: "the streets shown on this site plan do not meet the standards necessary for inclusion in the system of state highways nor are they intended for inclusion in the system of state highways and shall not be maintained by the Department of Transportation or Rockingham County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."

(f) *Maintenance of private streets.* No conveyance in a manufactured-mixed home subdivision, whether by a developer or subsequent owner, of any lot fronting on a private right-of-way or easement shall be recorded unless the deed of conveyance is signed by the grantee and contains language and is accompanied by a duly recorded restrictive covenant to specify that:

(1) No request shall be made to have the lot herein conveyed served by a public street unless and until the private street serving said lot has been dedicated and constructed, at no cost to the county or to the department of transportation, to the then current standards for streets.

(2) The grantee is required to belong to a property owner's association for the maintenance of the private streets within the subdivision and is liable for payment of an annual assessment for the upkeep and maintenance of said private streets.

(3) In lieu of the property owner's association provided in subparagraph (2) of this subsection such deed shall contain a provision for payment of a fixed annual assessment to developer or a third party for maintenance of said streets and in default thereof by developer or third party, the property owners shall take over such street maintenance and shall be empowered with the rights of developer or third party to make a fixed annual assessment.

(g) *Vehicle parking in manufactured-mixed home subdivisions.* Each off-street parking area shall be paved or graveled and have unobstructed access to either a public or private street.

(h) *Bonding for construction of streets and utilities.* Prior to obtaining final approval of the subdivision plat for a manufactured-mixed home subdivision and prior to the sale of any lots within the subdivision, the owner or developer of the subdivision shall submit to the county a certified check, cash escrow, or letter of credit in the amount of the estimated cost of construction of the streets and utilities. All regulations of the county bonding policy shall be met.

(P.C. Ord. No. 95-1, 2-28-95; P.C. Ord. No. 06-02, 2-22-06; P.C. Ord. No. 07-01, 1-24-07)

Sec. 17-142—17-144. - Reserved.

This ordinance shall be effective from the __ day of _____, 201__.

Adopted the __ day of _____, 201__.

Aye

Nay

Abstain

Absent

Supervisor Cuevas

District One

Supervisor Eberly

District Two

Supervisor Floyd

District Three

Supervisor Kyger

District Four
Supervisor Breeden
District Five

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION

APPROVAL

MARCH 15, 2012

In talking with the applicant, staff was told that at this time, it is less expensive to construct a home than it is to purchase a modular or some manufactured homes. This requested amendment provides the developer more opportunity to offer a variety of homes in a subdivision setting.

OA12-052
ORDINANCE REPEALING
AND
RE-ENACTING
SECTION 17-6
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-6-Specific Definitions be and hereby is repealed and re-enacted as follows:

Section 17-6. Specific definitions.

Family. A single housekeeping unit comprised of the following: One (1) person living alone; two (2) or more persons related by blood, marriage, or adoption; or as many as four (4) unrelated individuals; or in a dwelling unit occupied by students who are enrolled at a university or other post-secondary institution of learning, as many as five (5) unrelated individuals. The above are to be distinguished from a boarding house, lodging house, club, fraternity, tourist, home, or hotel.

This ordinance shall be effective from the __ day of _____, 201__.

Adopted the __ day of _____, 201__.

Aye

Nay

Abstain

Absent

Supervisor Cuevas
District One
Supervisor Eberly
District Two
Supervisor Floyd
District Three
Supervisor Kyger
District Four
Supervisor Breeden
District Five

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION

APPROVAL

MARCH 15, 2012

In checking the State Code, it appears that the State has lifted its limit of no more than four unrelated people living in a dwelling unit. The number brought to you tonight is what was proposed by the applicant for student housing.